

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

CHARLES CARDILLO PLUMBING,
HEATING AND HVAC, INC.

Plaintiff,

v.

LITCO SUPPLY COMPANY, INC.,
JRS-MTS, INC. and LITCO SUPPLY
OF PITTSFIELD, INC.

Defendants.

CIVIL ACTION NO. 11 CV 30158 (MAP)

MOTION TO REMAND

Plaintiff Charles Cardillo Plumbing, Heating and HVAC, Inc. ("Cardillo"), pursuant to 18 U.S.C. § 1447, moves to remand the above entitled action to the Berkshire Superior Court due to lack of subject matter jurisdiction because the parties are not diverse, or alternatively, for an order permitting limited discovery for the purpose of discerning whether defendants Litco Supply Company, Inc. and JRS-MTS, Inc. have a principal place of business in Massachusetts. Plaintiff relies on the accompanying Memorandum of Law and exhibits thereto.

WHEREFORE, plaintiff Charles Cardillo Plumbing, Heating and HVAC, Inc. requests a remand of the above-entitled action to Berkshire Superior Court, or alternatively, requests an order permitting limited jurisdictional discovery, together with an order of costs and reasonable attorney's fees incurred as a result of the removal, pursuant to 28 U.S.C. § 1447(e) and such other relief as the Court deems just and proper.

DEVIEWED. The stronger record demonstrates complete diversity of citizenship. So ordered. Michael B. Powers 6/28/11